



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,890	06/29/2001	Juha Salo	004770.00775	4950
22907 7590 04/05/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER NGUYEN, DAVID Q	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/893,890

Applicant(s)

JUHA SALO

Examiner

David Q. Nguyen

Art Unit

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 04/1002 and 06/29/01  
13. ☐ Other: \_\_\_\_\_.

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER

  
David Nguyen

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue: "Even assuming, without admitting, that finding data information in a broadcast channel constitutes a receiving schedule, Tegler does not teach or suggest that the ability to find data information in a broadcast channel is determined based on complementary information received by a second receiver".

Examiner disagrees. Fig. 1 and fig. 2 of Tegler (US 6,606,481 B1) clearly shows that a mobile terminal having a first receiver and second receiver such as broadband receiver and GSM receiver. Tegler also discloses: "the interactive traffic between STB or GSM-telephone and BTS passes via BSC, MSC and a network to an interactive centre IC, (see FIG. 1). IC communicates with a distributive central, DC, which provides broadband services, for instance video-on-demand etc. IC consequently receives interactive instructions from STB or mobile telephone, which instructions are recoded and transmitted to DC. DC then transmits broadband services corresponding to said instructions via networks to the STB as can be seen in FIG. 1. In, for instance, FIG. 2 is shown that the incoming broadband signal is received by the video decoder in the STB. The STB after that converts the broadband signal to a signal which can be received by for instance the TV. For transmission of interactive data in downlink to customer, both the broadband broadcast channel and GSM's downlink can be utilized. Selection can be made depending on type of data. For instance, DBV is at present producing protocols for data broadcast which makes possible for the set-top-box to find data information in the broadcast channel. If the GSM-subscription in this way is utilized, for instance, to order a film, the cost for this then can be debited the customer on the GSM-invoice. At shopping-on demand, the customer in the same way can be debited via the mobile telephone invoice. This means that the SIM-card is utilized as a credit card" (see col. 3, lines 34-65). It is clear that Tegler discloses the provider provides video-on-demand to mobile phone. User of the mobile phone can order video-on-demand or a film. To order a film, users have to know the schedule of the film. Therefore, Tegler teaches finding data information in a broadcast channel constitutes a receiving schedule, Tegler does teach or suggest that the ability to find data information in a broadcast channel is determined based on complementary information received by a second receiver..